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June 1, 2021

Via ECF

Hon. Roslyn R. Mauskopf, U.S.D.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Motion to Compel Evangelos Pollatos to Update His Address

Sanchez Juarez v. 156-40 Grill LLC, No. 15-cv-05081 (RRM) (JMW), (E.D.N.Y.)

Your Honor,

This office represents the Plaintiffs in the above-referenced matter. We write respectfully to request that pro se Defendant Evangelos Pollatos be compelled to update the Court as to his current residential address.

Mr. Pollatos is a pro se Defendant. Throughout this litigation, Mr. Pollatos has resided at, and received correspondence at, 3 Farm Hill Lane, East Norwich, NY 11732. *See* docket sheet. On May 17, 2021, the Clerk of the Court mailed Mr. Pollatos a document, presumably the notice of the reassignment of this matter from Magistrate Judge Locke to Magistrate Judge Wicks, at that address. *See* Dkt. No. 94. However, the mailing was returned to the Clerk of the Court as undeliverable. *See id.*

The Clerk of the Court apparently had a telephone conversation with Mr. Pollatos between about May 17, 2021 and May 24, 2021, during which Mr. Pollatos informed the Clerk that he received mail at a post office box. *See* Dkt. No. 95. "As a one-time courtesy," the Clerk forwarded him, at the said post office box, the document that was returned as undeliverable, as well as a change-of-address form and a cover letter which reminded Mr. Pollatos that "[s]hould [he] wish to receive future mail and for the docket to reflect your new address, please complete the enclosed change of address form and return it to us as soon as possible."

"[W]hen a party, even a *pro se* litigant, changes addresses, it is that party's obligation to notify the Court of the new address." *English v. Azcazubi*, No. 13-cv-05074, 2015 U.S. Dist. LEXIS 35411, at *6 (E.D.N.Y. Mar. 20, 2015). When a party, even a *pro se* litigant fails to comply with that obligation, and causes the court to lose contact with him, his claim may be dismissed. *See id.*

According to my recollection, Judge Orenstein previously, at a conference, denied a request for Mr. Pollatos to use a post office box as an address for service.

A notice of change of address is necessary not just so that the Court can maintain contact with Mr. Pollatos. Plaintiffs may call him as a witness at trial of this matter, and if so will need to serve him a subpoena to testify at trial. *See* Dkt. No. 87 (proposed pretrial order), at *5. Such a

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subpoena would need to be served on Mr. Pollatos in person, not through a post office box. *See* Fed. R. Civ. P. 45(b)(1).

Accordingly, Mr. Pollatos should be compelled to inform the Court of his current residential address

We thank the Court for its attention to and consideration of this matter.

Respectfully submitted,

TROY LAW, PLLC

/s/ John Troy

John Troy

Attorney for Plaintiffs

cc: via ECF

all counsel of record